

Notice of Allowability

Application No.

10/804,505

Applicant(s)

ALTISEN ET AL.

Examiner

Art Unit

Andrew B. Freistein

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Supplemental Amendment filed 2/5/07.
2. ☒ The allowed claim(s) is/are 1-7, 9-12, 15-17, 23-27, 36-42 (now 1-26).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 10-28-2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

This communication is in response to the Request for Continued Examination (RCE) filed on 12/26/2006.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under Ex Parte Quayle, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission has been considered and has been entered.

Upon Examiner's request, a supplemental amendment was filed on 02/05/2007. Claims 1-13, 15-17, 23-27, 36-42 are pending. Claims 14, 18-22 and 28-35 were cancelled.

Information Disclosure Statement

Applicant's information disclosure statement (IDS), filed on 10/28/2004, has been considered. Please refer to Applicant's copies of the 1449 submitted herewith. This was reconsidered to add the publication date of caymanchem.com reference.

Claim Rejections - 35 USC § 112 1st Paragraph

Claims 13, 15-17 and 29-35 were rejected under 35 U.S.C. 112, first paragraph. As a result of the amendment filed 02/05/2007, this rejection is withdrawn.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given during a telephone interview with Attorney Serle Mosoff on 02/07/2005.

This application has been amended as follows:

1. Cancel claims 8 and 13.
2. In claim 1, on page 3, in line 5, after, "that if R² is alkoxy, at least one of R¹, R³, R⁴, R⁵", delete "And" and insert --and--.
3. In claim 9, on page 4, in line 7 of the claim, after, "or R¹ and R² or R² and R³ together form an", delete "-Q-CH₂-C(CH₃)₂-chain", and insert ---O-CH₂-C(CH₃)₂-chain--.
4. In claim 10, on page 5, in line 12 of the claim, after the species, "[12] (3,5-di-tert-butyl-4-hydroxy-phenyl)-(3-hydroxy-2-phenyl-azetidin-1-yl)-methanone;" , delete the species, "[14] (7-tert-butyl-3,3-dimethyl-2,3-dihydro-benzofuran-S-yl)-(3-hydroxy-azetidin-1-yl)-methanone;" , and insert --and [14] (7-tert-butyl-3,3-dimethyl-2,3-dihydro-benzofuran-5-yl)-(3-hydroxy-azetidin-1-yl)-methanone;--.
5. In claim 11, at the beginning of the claim, delete, "Process" and insert --A process--.

Art Unit: 1626

6. In claim 11, in line 6 of the claim, after, "wherein" , delete "R1-R3" and insert --R¹-R³--.
7. In claim 12, at the beginning of the claim, delete, "Medicament" and insert, --A medicament--.
8. In claim 17, in the 5th line of the claim, after, "juvenile arthritis, rheumatic fever," , delete, "symptoms associated with ,".
9. In claim 42, on page 10, after line 3 and before line 4, insert --that if R² is alkoxy, at least one of R¹, R³, R⁴, R⁵ and R⁶ does not represent a hydrogen atom,--.

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew B. Freistein whose telephone number is (571) 272-8515. The examiner can normally be reached Monday-Friday, 8:30 am - 5:00 pm.

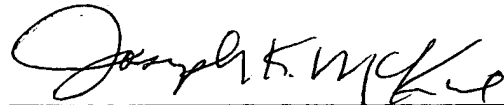
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph M^cKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 1626

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Andrew B. Freistein
Patent Examiner, AU 1626

A handwritten signature in black ink, appearing to read "Joseph K. McKane", written over a horizontal line.

Joseph K. McKane
Supervisory Patent Examiner, AU 1626
Date: February 8, 2007